

## **§ 3278.10**

- (2) Collect all or part of your bond;
  - (3) Order modification or shutdown of your operations; and
  - (4) Take other enforcement action against a lessee who is ultimately responsible for the noncompliance.
- (b) Noncompliance may result in BLM terminating your lease (see §§ 3213.17 through 3213.19).

### **Subpart 3278—Confidential, Proprietary Information**

#### **§ 3278.10 When will BLM disclose information I submit under these regulations?**

All Federal and Indian data and information submitted to BLM are subject to part 2 of this title. Part 2 includes the regulations of the Department of the Interior covering public disclosure of data and information contained in Department records. Certain mineral information not protected from disclosure under part 2 may be made available for inspection without a Freedom of Information Act (FOIA) request. Examples of information we will not treat as confidential include:

- (a) Facility location;
- (b) Facility generation capacity; or
- (c) To whom you are selling electricity or produced resources.

#### **§ 3278.11 When I submit confidential, proprietary information, how can I help ensure it is not available to the public?**

When you submit data and information that you believe to be exempt from disclosure under part 2 of this title, you must clearly mark each page that you believe contains confidential information. BLM will keep all data and information confidential to the extent allowed by § 2.13(c) of this title.

#### **§ 3278.12 How long will information I give BLM remain confidential or proprietary?**

The FOIA does not provide a finite period of time during which information may be exempt from public disclosure. BLM will review each situation individually and in accordance with part 2 of this title.

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### **Subpart 3279—Utilization Relief and Appeals**

#### **§ 3279.10 When may I request a variance from BLM requirements pertaining to utilization operations?**

(a) You may file a request with BLM for a variance for your approved utilization operations from the requirements of § 3200.4. Your request must include enough information to explain:

- (1) Why you cannot comply with the requirements; and
- (2) Why you need the variance to operate your facility, conserve natural resources, or protect public health and safety, property, or the environment.

(b) We may approve your request orally or in writing. If we give you oral approval, we will follow up with written confirmation.

#### **§ 3279.11 How may I appeal a BLM decision regarding my utilization operations?**

You may appeal our decision affecting your utilization operations in accordance with § 3200.5.

## **PART 3280—GEOTHERMAL RESOURCES UNIT AGREEMENTS**

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AUTHORITY: 30 U.S.C. 1001-1028 and 43 U.S.C. 1701 *et seq.*

SOURCE: 72 FR 24432, May 2, 2007, unless otherwise noted.

## Subpart 3280—Geothermal Resources Unit Agreements—General

### § 3280.1 What is the purpose and scope of this part?

(a) The purpose of this part is to provide holders of Federal and non-Federal geothermal leases and owners of non-Federal mineral interests the opportunity to unite under a Federal geothermal unit agreement to explore for and develop geothermal resources in a manner that is necessary or advisable in the public interest.

(b) These regulations identify:

- (1) The procedures a prospective unit operator must follow to receive BLM approval for unit area designation and a Federal geothermal unit agreement;
- (2) The operational requirements a unit operator must meet once the unit agreement is approved; and

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(3) The procedures BLM will follow in reviewing, approving, and administering a Federal geothermal unit agreement.

### § 3280.2 Definitions.

The following terms, as used in this part or in any agreement approved under the regulations in this part, have the following meanings unless otherwise defined in such agreement:

*Minimum initial unit obligation* means the requirement to complete at least one unit well within the timeframe specified in the unit agreement. If this requirement is not met, BLM deems the unit void as though it was never in effect.

*Participating area* means that part of the unit area that BLM deems to be productive from a horizon or deposit, and to which production would be allocated in the manner described in the unit agreement, assuming that all lands are committed to the unit agreement.

*Plan of development* means the document a unit operator submits to BLM defining how the unit operator will diligently pursue unit exploration and development to meet both initial and subsequent unit development and public interest obligations.

*Public interest* means operations within a geothermal unit resulting in:

- (1) Diligent development;
- (2) Efficient exploration, production and utilization of the resource;
- (3) Conservation of natural resources; and
- (4) Prevention of waste.

*Reasonably proven to produce* means a sufficient demonstration, based on scientific and technical information, that lands are contributing to unit production in commercial quantities or are providing reservoir pressure support for unit production.

*Unit agreement* means an agreement for the exploration, development, production, and utilization of separately owned interests in the geothermal resources made subject thereto as a single consolidated unit without regard to separate ownerships, which provides for the allocation of costs and benefits on a basis defined in the agreement or plan.